IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE, TENNESSEE

WORD MUSIC, LLC, a Tennessee Limited Liability company, DAYSPRING MUSIC, LLC., a Tennessee Limited Liability Company, WORDSPRING MUSIC, LLC., a Tennessee Limited Liability company, UNICHAPPELL MUSIC, INC., a Delaware corporation, CHAPPELL & COL, INC. a Delaware corporation, COTILLION MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, WALDEN MUSIC, INC., a New York Corporation, WARNER/TAMERLANE PUBLISHING CORP., a California corporation, and WB MUSIC CORP., a California corporation,	)	
Plaintiffs,	)	
v.	)	**CIVIL ACTION NO. 3:07-00502**
PRIDDIS MUSIC, INC., a Nevada corporation, RICHARD L. PRIDDIS, individually, PROSOUND KARAOKE LTD., a United Kingdom corporation, MEDIOSTREAM, INC., a California corporation d/b/a “K SUPERSTAR”, D.J. MILLER MUSIC DISTRIBUTORS, INC., a Colorado corporation, d/b/a “PROSING”, and DALE S. MILLER, individually.	)	**JURY DEMANDED**
Defendants.	)	

MEDIOSTREAM, INC. D/B/A “K SUPERSTAR”’S MOTION TO DISMISS

Mediostream, Inc., a California corporation, d/b/a “K Superstar” (hereinafter “Mediostream”), by and through counsel, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, hereby joins in Defendants Priddis Music, Inc., Richard L. Priddis and Prosound Karaoke, Ltd.’s (hereinafter “Priddis”) Motion to Dismiss for improper venue. Mediostream

Dockets.Justia.com

relies upon the law and argument set forth in Priddis' Memorandum of Law in Support of Motion to Dismiss (Docket Entry No. 14) with regard to the "first-to-file" rule. Based upon the law and argument contained within Priddis' Memorandum of Law in Support of Motion to Dismiss (Docket Entry No. 14), Mediostream respectfully requests that this Court dismiss this Complaint for improper venue.

Respectfully submitted,

/s James C. Bradshaw III__________

James C. Bradshaw III (#13170)
WYATT, TARRANT & COMBS
2525 West End Avenue, Suite 1500
Nashville, Tennessee 37203-1423
615.251.6683
(*jbradshaw@wyattfirm.com*)

Counsel for Mediostream, Inc., d/b/a "K Superstar"

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following by electronic mail via the Electronic Filing System this 27th day of July, 2007:

Timothy L. Warnock
Bowen, Riley Warnock & Jacobson, PLC
1906 West End Avenue
Nashville, Tennessee 37203

Paul Harrison Stacy
7225 North Spring Gulch Road
P.O. Box 4157
Jackson, Wyoming 83001
Attorneys for Plaintiffs

Jeffrey Todd Goodson
Law Office of John Cobb Rochford, PLLC
2200 Abbott Martin Road, Suite 201
Nashville, Tennessee 37215

Attorney for Richard L. Priddis,
Priddis Music, Inc. and Prosound Karaoke LTD

J. Owen Borum
Timothy J. O'Neill
Caplan & Earnest, LLC.
1800 Broadway, Suite 200
Boulder, Colorado 80302-5289

Attorneys for Defendants, D.J. Miller Music Distributors, Inc.
d/b/a "Prosing" and Dale S. Miller

/s James C. Bradshaw III
James C. Bradshaw III

45311099.1